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**Boehringer Ingelheim
Corporation**

Page 1 of 8

January 19, 2005

RE: Reply

Application of: Heckel A. et al.

Art Unit:

Serial No.: 10/624,983

Examiner:

Conf. No.: 4832

Filed: July 22, 2003

For: **INDOLINONE DERIVATIVES SUBSTITUTED IN THE 6 POSITION,
THE PREPARATION THEREOF AND THEIR USE AS PHARMACEUTICAL
COMPOSITIONS**

Docket No.: 1/1373

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before the USPTO
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900 Ridgebury Rd/P.O. Box 368
Ridgefield, CT 06877-0368

Dear Sir:

Please find transmitted herewith a Certificate of Transmission, a Petition
Requesting Withdrawal of Notice of Incomplete NonProvisional Application
Under 37 CFR §1.181 (2 pages in duplicate), a copy of the Stamped Return Post
Card (1 page), and a copy of the Notice of Incomplete NonProvisional
Application (2 pages).

The Commissioner is hereby authorized to charge or credit any fee which may be
required to Deposit Account No. 02-2955.

Respectfully submitted,

Susan K. Pocchiari
Susan K. Pocchiari
Reg. No. 45,016

Certificate of Transmission under 37 CFR §1.8
I hereby certify that this correspondence is being
facsimile transmitted to the United States Patent and
Trademark Office on January 19, 2005

Susan K. Pocchiari
By: Susan K. Pocchiari
Reg. No. 45,016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Heckel, A. et al.) Art Unit:
Serial No. : 10/624,983) Examiner:
Confirmation No. : 4832
Filed : July 22, 2003
Docket No. : 1/1373
For : INDOLINONE DERIVATIVES SUBSTITUTED IN THE 6 POSITION,
THE PREPARATION THEREOF AND THEIR USE AS
PHARMACEUTICAL COMPOSITIONS

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JAN 19 2005

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION REQUESTING WITHDRAWAL OF NOTICE OF
INCOMPLETE NONPROVISIONAL APPLICATION UNDER 37 CFR §1.181**

Sir:

Attorney for Applicants respectfully petitions under 37 CFR §1.181 that the Notice of Incomplete Nonprovisional Application dated October 21, 2004 be withdrawn and that a filing date of July 22, 2003 be granted for the above-identified application.

Statement of Facts

On July 22, 2003, Attorney for Applicants filed, *inter alia*, the following documents: (1) the above-identified nonprovisional application; (2) a Certified Copy of Priority Document DE 102 33 366.1; and (3) a Verified English Translation of U.S. Provisional Application No. 60/403,106 to which the above-identified application also claims priority. Included herewith is a copy of the Return Postcard which is date stamped by the USPTO listing the above items. Item 1, the above-identified nonprovisional application, was filed in the German language. The above-identified nonprovisional application, as originally filed with the USPTO, comprised a specification as prescribed by 35 U.S.C. §112 containing a description pursuant to §1.71 and nineteen (19) claims contained on pages 286-344 of the specification under the section entitled "Patentansprüche", *i.e.*,

"Patent claims". In the Notice of Incomplete Nonprovisional Application, the OIPE stated that the specification of the above-identified application did not include at least one claim. Included herewith is a copy of the Notice of Incomplete Nonprovisional Application.

Discussion

Attorney for Applicants respectfully submits that the above-identified application, as originally filed in German, comprised a specification as prescribed by 35 U.S.C. §112 containing a description pursuant to §1.71 and at least one claim pursuant to §1.75. No drawings were required by §1.81(a). Thus, this application met all filing requirements as of July 22, 2003.

Action Requested

Withdrawal of the Notice of Incomplete Nonprovisional Application and grant of a filing date of July 22, 2003 for the above-identified application is respectfully requested.

The surcharge set forth in 37 CFR 1.17(h) for Petitions to the Commissioner is \$130.00. The Commissioner is hereby authorized to charge any fee which may be required, and to credit any overpayment, to Deposit Account No. 02-2955. A duplicate of this paper is enclosed.

Respectfully submitted,



Susan K. Pocchiari
Attorney for Applicant(s)
Reg. No. 45,016

Boehringer Ingelheim Corporation
Patent Department
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT 06877
Tel: (203) 798-5648
Date: January 19, 2005

JAN 19 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/624,983	07/22/2003	Armin Heckel	1/1373

CONFIRMATION NO. 4832

28501
BOEHRINGER INGELHEIM CORPORATION
900 RIDGEBURY ROAD
P. O. BOX 368
RIDGEFIELD, CT 06877

FORMALITIES LETTER

OC000000014158326

Date Mailed: 10/21/2004

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

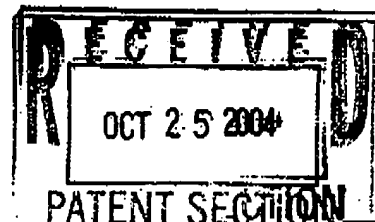
- The specification does not include at least one claim.
A complete specification as prescribed by 35 U.S.C. 112 is required.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 was not received.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents



P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

SKP

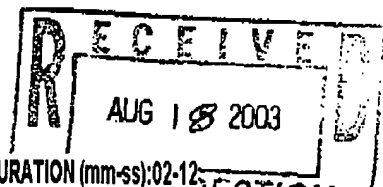
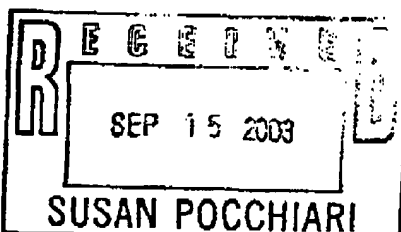
APPLICANT(S): Armin HECKEL et al
SERIAL NO.: to be assigned
CONFIRMATION NO.: to be assigned
FILING DATE: July 22, 2003
DOCKET NO.: 1/1373
TITLE: INDOLINONE
DERIVATIVES SUBSTITUTED IN THE 6
POSITION, THE PREPARATION THEREOF AND
THEIR USE AS PHARMACEUTICAL
COMPOSITIONS

IN CONNECTION WITH THE ABOVE CASE,
PLEASE DATE STAMP TO ACKNOWLEDGE
RECEIPT OF THE DOCUMENTS LISTED BELOW,
AND RETURN TO ADDRESSEE.

1. Utility Patent Application Transmittal (1 page);
2. Fee Transmittal (1 page in triplicate);
3. Specification (345 pages);
4. Certified Copy of Priority Document #10233366.1;
and
5. Verified English Translation of 60/403,106.
6. Application Data Sheet (6 pages)

Express Mailed
July 22, 2003
EV 248 003 871 US

16018 U.S. PTO
10/624983
07/22/03



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